

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MITCHELL TAYLOR,)	
)	
Plaintiff,)	4:04CV3315
)	
v.)	
)	
GOODYEAR TIRE & RUBBER)	MEMORANDUM AND ORDER
COMPANY,)	
)	
Defendant.)	
)	

A telephone conference pursuant to Fed. R. Civ. P. 16 was held with counsel in this matter on July 28, 2005 for the purpose of determining an oral discovery motion and its effect on the progression order in the case. In accordance with the discussion during the conference, the following ruling is made.

IT THEREFORE HEREBY IS ORDERED:

1. The plaintiff's oral motion for leave to take the depositions of Dennis Shultz, Gary Marschman and Terry Branting is granted in part, and plaintiff may depose Messrs. Shultz and Marschman on or before August 26, 2005. The motion is denied as to Mr. Branting.

2. The depositions of Messrs. Shultz and Marschman shall be at the plaintiff's expense, including defendant's attorneys fees for the time consumed by the deposition. Defendant's counsel is advised to limit cross examinations so as not to unnecessarily increase plaintiff's expense.

3. Following the completion of the depositions, counsel shall confer with respect to the amount to be awarded in accordance with the foregoing paragraph. If counsel agree, a stipulation for that amount may be filed and an accompanying order submitted. If counsel cannot agree, defendant may file an application for fees, properly supported. Plaintiff is given seven business days to file a response. If either party desires a hearing on the amount requested, application therefor may be filed with the application or the response, as applicable.

4. The clerk shall make any award ordered pursuant to this order a part of the judgment eventually entered in the case, unless at that time the clerk is notified that payment has been made and provided accompanying evidence of payment.

5. The oral motion of the defendant requesting that the deadline in the progression order for the filing of summary judgment motions be extended, is also granted. Summary judgment motions may be filed on or before September 12, 2005.

DATED this 28th day of July, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge